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SENATE BILL 51

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO DOMESTIC AFFAIRS; ELIMINATING THE REQUIREMENT FOR
PHYSICIAN CERTIFICATION OF APPLICANTS FOR MARRIAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 40-1-11 NMSA 1978 (being Laws 1957,
Chapter 33, Section 1, as amended) is amended to read:

"40-1-11. [~~CERTIFICATE REQUIRED~~] LICENSE FEE.--

~~[A. Before any county clerk issues any marriage
license, each applicant for a marriage license shall file with
the county clerk a certificate from a physician licensed to
practice medicine, which certificate shall state that the
applicant has had those tests and examinations as required by
regulation of the health and environment department. Such
tests and examinations shall be made not more than thirty days
prior to the date of application for license. The certificate~~

underscored material = new
[bracketed material] = delete

1 ~~shall state that medical evaluation or that treatment, as~~
2 ~~indicated, has been made such that there is no bar to marriage,~~
3 ~~as specified by the regulations of the health and environment~~
4 ~~department.~~

5 ~~B. The certificate of the physician shall be on a~~
6 ~~form to be provided and distributed by the health services~~
7 ~~division to all officers authorized to issue marriage licenses~~
8 ~~and to all physicians within the state.~~

9 ~~C. The secretary of health and environment shall~~
10 ~~make rules and regulations and employ personnel necessary to~~
11 ~~effectuate the purposes of Sections 40-1-11 through 40-1-13~~
12 ~~NMSA 1978. If regulations require a laboratory test, it shall~~
13 ~~be done in a laboratory approved by the secretary of health and~~
14 ~~environment.~~

15 ~~D. A county clerk shall accept, in lieu of the~~
16 ~~physician's certificate, a certificate from any other state~~
17 ~~having premarital laws, if issued within the time limits~~
18 ~~prescribed in Subsection A of this section and if such laws~~
19 ~~meet the regulations of the secretary of health and~~
20 ~~environment.~~

21 ~~E.]~~ The county clerk shall receive a fee of twenty-
22 five dollars (\$25.00) for issuing, acknowledging and recording
23 a marriage license and marriage certificate. Fifteen dollars
24 (\$15.00) of each fee shall be remitted by the county treasurer
25 to the state treasurer, within fifteen days of the last day of

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1 each month, for credit to the children's trust fund."

2 Section 2. Section 40-1-18 NMSA 1978 (being Laws 1961,
3 Chapter 99, Section 1) is amended to read:

4 "40-1-18. FORM OF APPLICATION AND LICENSE AND
5 CERTIFICATE.--

6 "APPLICATION FOR MARRIAGE LICENSE

7 No. _____

STATEMENTS

8 RECEIVED AND FILED

9 IN COUNTY CLERK'S OFFICE

10 at _____ o'clock _____ m.

11 _____ [~~19~~] 20_____

12 [~~DATE OF PREMARITAL PHYSICAL EXAMINATION~~

13 _____ Bride _____

14 _____ Groom _____]

15 COUNTY CLERK _____ COUNTY

16 By _____ Deputy

17 To the County Clerk: We the undersigned hereby make
18 application to be united in marriage and certify that we are
19 not related within the degree prohibited by the laws of this
20 state; that neither is bound by marriage to another; that there
21 exists no legal impediment to this marriage; and that the
22 information contained herein is correct.

23 Male Applicant

Female Applicant

24 Date of Birth

Date of Birth

25 _____

underscored material = new
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Place of Birth _____ Place of Birth _____

Present Address _____ Present Address _____

Signature Signature

Subscribed and sworn to before me this _____ day
of _____ A.D. [~~19~~] 20_____.

(seal)

_____ By _____ Deputy

Signature County Clerk

CONSENT OF PARENT OR GUARDIAN (where either party is
underage)

I, the parent (guardian) of _____,
hereby consent to the granting of a license to marry, waiving
the question of minority.

Signature Parent (Guardian)

I, the parent (guardian) of _____,
hereby consent to the granting of a license to marry, waiving
the question of minority.

Signature Parent (Guardian)

MARRIAGE LICENSE

State of New Mexico,)
County of _____) ss.

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underscored material = new
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1 To any Person Authorized by Law to Perform the Marriage
2 Ceremony:

3 Greeting:

4 You are hereby authorized to join in marriage _____
5 of _____ and _____ of
6 _____ and of this license you will make
7 due return to my office within the time prescribed by law.

8 Witness my hand and the seal of said court at _____
9 this _____ day of _____, [~~19~~]
10 20_____.

11 _____
12 County Clerk

13 Recorded _____, [~~19~~] 20_____, at _____ m.

14 In marriage record book no. _____, page _____.

15 _____
16 County Clerk

17 MARRIAGE CERTIFICATE

18 State of New Mexico,)

19 County of _____) ss.

20 I hereby certify that on the _____ day of _____,
21 A.D., [~~19~~] 20_____, at _____ in said
22 county and state, I, the undersigned, a _____,
23 did join in the Holy Bonds of Matrimony in accordance with the
24 laws of the State of New Mexico and the authorization of the
25 foregoing license _____ of _____ and

underscored material = new
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1 _____ of _____.

2 Witness my hand and seal the day and year last above
3 written.

4 _____
5 (Official Title)

6 WITNESSES:

7 _____
8 _____

9 Signed _____ Groom. Signed _____ Bride.

10 Recorded this _____ day of _____,
11 A.D., [19] 20_____, at _____ m.

12 Marriage Record Book No. _____, Page No. _____.
13 _____

14 County Clerk."."

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